

SENATE BILL NO. 404

INTRODUCED BY E. FRANKLIN

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE NONVOTING TRUSTEES PROVISION TO ALLOW A QUALIFIED ELECTOR RESIDING IN A UNIFIED SCHOOL DISTRICT TO VOTE IN THE TRUSTEE ELECTION FOR THE HIGH SCHOOL TRUSTEE; AMENDING SECTION 20-3-352, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-3-352, MCA, is amended to read:

"20-3-352. Request and determination of number of high school district additional OR DESIGNATED trustee positions ~~--nonvoting trustee~~. (1) As provided in 20-3-351(1)(b), a high school district, except a county high school district, may have additional trustee positions when the trustees of a majority of the elementary districts with territory located in the high school district, but without equitable representation on the high school district trustees under the provision of 20-3-351(1)(a), request the establishment of additional trustee positions under the provisions of subsection (2) or when the electors approve an alternative method of electing members of the board of trustees under the provisions of subsection (3).

(2) A request for additional trustee positions must be made to the county superintendent by a resolution of the trustees of each elementary district. When a resolution has been received from a majority of the elementary districts without representation on the high school district trustees, the county superintendent shall determine the number of additional trustee positions for the affected high school district in accordance with the following procedure:

(a) The taxable valuation of the elementary district that has its trustees placed on the high school trustees must be divided by the number of positions on the trustees of the elementary district to determine the taxable valuation ~~per~~ for each trustee position.

(b) The taxable valuation used for the calculation in subsection (2)(a) must be subtracted from the taxable valuation of the high school district to determine the taxable valuation of the territory of the high school district without representation on the high school district trustees.

(c) The taxable valuation determined in subsection (2)(b) must be divided by the taxable valuation

1 ~~per for each~~ trustee position calculated in subsection (2)(a). The resulting quotient must be rounded off
2 to the nearest whole number, except that when the quotient is less than 0.5, at least one ~~nonvoting~~
3 trustee position must be established OR DESIGNATED for the territory without representation on the high
4 school district board of trustees under the provision of 20-3-351(1)(a).

5 (d) ~~Except for a nonvoting trustee position, the~~ The EXCEPT AS PROVIDED IN SUBSECTION (2)(E), THE
6 number determined in subsection (2)(c) must be the number of additional trustee positions, except that
7 the number of additional trustee positions may not exceed four in a first- or second-class high school
8 district or two in a third-class high school district except when two-thirds or more of the high school
9 enrollment of the high school district and two-thirds or more of the taxable valuation of the high school
10 district are located outside of the elementary district that has its trustees placed on the high school district
11 board of trustees. When this situation exists, three additional trustees must be elected from the elementary
12 school districts in which the high school is not located and one additional trustee must be elected at large
13 in the high school district.

14 (E) WHEN A VOTING TRUSTEE POSITION IS DESIGNATED PURSUANT TO SUBSECTION (2)(C) FOR A TERRITORY
15 WITHOUT REPRESENTATION ON THE HIGH SCHOOL DISTRICT BOARD OF TRUSTEES, ONE OF THE EXISTING TRUSTEES MUST
16 BE DESIGNATED AS THE TRUSTEE FOR THE UNREPRESENTED TERRITORY FOR PURPOSES OF ESTABLISHING TRUSTEE
17 NOMINATING DISTRICTS UNDER 20-3-353.

18 (3) (a) If more than half of the electors of the high school district reside outside the territory of
19 the elementary school district in which the high school district buildings are located, at least 10% of the
20 electors of the high school district who are qualified to vote under the provisions of 20-20-301 may
21 petition the county superintendent, requesting an election to consider a proposition on the question of
22 establishing the following alternative method of electing the members of the high school district board of
23 trustees:

24 (i) one trustee to be elected from each elementary school district with territory included in the high
25 school district; and

26 (ii) two or three trustees to be elected at large in the high school district, whichever number results
27 in an odd number of members on the board of trustees.

28 (b) (i) When the county superintendent receives a valid petition, the county superintendent shall
29 order the trustees of the high school district to conduct an election on the next regular school election day
30 on the proposition allowed under the provisions of subsection (3)(a).

(ii) If the electors of the district approve a proposition to establish the alternative method of electing the high school board of trustees, the county superintendent shall order that the members of the board of trustees be elected according to subsection (3)(a) at the next regular school election.

(c) Whenever the trustees are elected at one regular election under subsection (3)(b), the members who are elected shall draw by lot to determine their terms of office. The terms of office by trustee position must be divided as equally as practicable among 1-, 2-, and 3-year terms.

(d) A petition to call an election for the purposes of subsection (3) may not be submitted to the county superintendent more than one time in each 5-year period."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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